

**Part C State Annual Performance Report (APR) for FFY 2011****Overview of the Annual Performance Report Development:**

In FFY 2011, North Dakota developed and implemented a General Supervision Plan. This plan was developed in August, 2011. North Dakota utilized assistance from the Data Accountability Center (DAC) and Mountain Plains Regional Resource Center (MPRRC). The plan was reviewed by the North Dakota Interagency Coordinating Council in September, 2011 and then submitted to the Office of Special Education for review in October, 2011. North Dakota has received significant technical assistance in the following areas:

**General Supervision/APR Preparation/Part C Regulation Implementation – DAC/MPRRC**

- August 9- 10, 2011 On-site TA with North Dakota State Team
- Oct. 3, 2011 TA Call
- Oct. 11, 2011 Statewide meeting for local program administrators on correction and verification training
- Nov. 10, 2011 TA Call
- Nov. 30 – Dec. 2, 2011 On-site TA from DAC and MPRRC
- Dec. 19, 2011 TA Call
- Dec. 23, 2011 TA Call
- Jan. 3, 2012 TA Call
- Jan. 4, 2012 TA Call
- Jan. 9, 2012 TA Call
- Jan. 13, 2012 TA Call
- Jan. 16, 2012 TA Call
- Jan. 20, 2012 TA Call
- Jan. 23, 2012 TA Call
- Jan. 27, 2012 TA Call

**Transition – NECTAC/MPRRC**

- 2010 – 2011 Numerous TA conference calls with MPRRC and NECTAC
  - Jan 3, 2011
  - Feb. 7, 2011
  - Feb. 17, 2011

- Feb. 28, 2011
- March 9, 2011
- Apr. 8, 2011
- Apr. 13, 2011
- Apr. 27, 2011
- May 20, 2011
- July 7, 2011
- July 21, 2011
- Sept. 23, 2011
- Oct. 28, 2011
- Jan. 3, 2012
- Jan. 18, 2012
- Aug. 19, 2011 – In-person stakeholders meeting supported by NECTAC (on-site) and MPRRC (via conference call)
- Nov. 29, 2011 – On-site TA from NECTAC and MPRRC

#### Child Outcomes – ECO Center

- Oct. 4, 2011 TA from ECO on Indicator 3 and Child Outcome Measurement

#### Interagency Coordinating Council - MPRRC

- Sept. 8, 2011 Training for NDICC and IDEA Advisory Panel from MPRRC

#### OSEP Contacts

- Several phone conversations and email communications have taken place between the North Dakota State Team and OSEP representatives.

#### Outcomes from this technical assistance include the following:

Revision and refinement of the State Transition Guidelines in cooperation with North Dakota Part B

Development of the potentially eligible definition and state opt-out policy

Development of the Memorandum of Agreement with Part B

Revision and refinement of correction and verification policy

Development of a standard template for letter of findings

Revision and refinement of state's level of determination for local programs

Finalized FFY '10 Annual Performance Report

Initial Training for local program administration on correction and verification policy

The North Dakota Department of Human Services (ND DHS), as the Part C Lead Agency, reviewed all of the indicator data, corresponding improvement activities, and the targets for the results indicators, with the North Dakota Interagency Coordinating Council (NDICC) on January 31<sup>st</sup>, 2013.

**Data sources used to complete the FFY 2011 Annual Performance Report included:**

- Indicator #1 –Therap
- Indicator #2 – 618 Table #2; Therap
- Indicator #3 – Child PAR Assessment; Therap
- Indicator #4 – ECO Family Survey Results; Therap
- Indicator #5 – 618 Table #1
- Indicator #6 – 618 Table #1
- Indicator #7 – Therap
- Indicator #8 – Therap; Case Review Data Tool
- Indicator #9 – Therap; Case Review Data Tool
- Indicator #10 – 618 Table #4
- Indicator #11 – 618 Table #4
- Indicator #12 – NA
- Indicator #13 – 618 Table #4
- Indicator #14 – Related Federal Reporting

It should be noted that effective 11-1-10; the statewide data system was switched from ASSIST/Lotus Notes to Therap.

North Dakota is divided into **eight** Governor's Planning Regions. Each region has **one** DD Program Management (service coordinators) Unit through the Regional Human Service Center. For FFY '11, **six** of the regions had **one** Infant Development program, **one** of the regions had **three** Infant Development programs and **one** of the regions had **two** Infant Development programs.

## Part C State Annual Performance Report (APR) for FFY 2011

## Overview of the Annual Performance Report Development:

Refer to pages 1-3 of this document.

## Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 1:** Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:** Percent = [(# of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner) divided by the (total # of infants and toddlers with IFSPs)] times 100.

Account for untimely receipt of services, including the reasons for delays.

FFY	Measurable and Rigorous Target
2011	100% of infants and toddlers with IFSP's will receive the early intervention services on their IFSP's on or before the start date indicated on their signed IFSP.

## Actual Target Data for FFY '11:

In FFY '11 **92.7%** of infants and toddlers with IFSPs received the early intervention services on their IFSPs on or before the start date indicated on their signed IFSP.

Data for Indicator 1 is taken from North Dakota's state electronic record system. North Dakota was able to obtain a full year of data for reporting on Indicator 1, using Therap for FFY '11. In FFY 11, North Dakota had **eleven** local early intervention programs across the state.

The definition for timely initiation of services in North Dakota is the occurrence of those services starting prior to or on the date agreed to on the IFSP. We consider all new services whether on an initial IFSP or subsequent annual IFSP's, including periodic reviews. Data are collected through an electronic report completed in Therap by our service coordinators.

For the purposes of the FFY '11, data were considered from all IFSP's completed between 7/1/11 and 6/30/12. This review resulted in IFSP's with new services for **634**

children. Out of those **634** children, **561** children experienced services starting on or before the dates agreed to in the IFSP.

The data indicated the **73** children had services that did not begin on or before the stated date on their IFSP's. Of those **73**, there were **26** documented cases of delays due to exceptional family reasons and **one** documented cases of delay due to severe weather. **Forty-six (46)** children experienced a delay due to program reasons.

**Infants and Toddlers with IFSPs who receive Early Intervention Services in a Timely Manner:**

a. Number of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	<b>588</b>
b. Total number of infants and toddlers with IFSPs	<b>634</b>
Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner (Percent = [(a) divided by (b)] times 100)	<b>92.7%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY '11:**

***Explanation of Progress or Slippage:***

North Dakota's performance on timely initiation of services has significantly improved from a performance of **85%** in FFY '10 to **92.7%** in FFY '11. While the state did not meet the federal target of 100%, the state made extensive improvement in this indicator.

In reviewing the local program data, the majority (**nine**) of the programs had performance above 90%. **Two** of the **nine** programs were at 100%. We had **two** programs that had performance under 90% (88.9%, 74.1%). Without these **two** programs included in the state calculation, North Dakota's performance would be at 97.1%.

Based on the FFY '11 data, **nine** programs had noncompliance:

- The **nine** programs that had noncompliance will be issued letters of findings by April 1, 2013. Prong 1 has not been met for all of the children. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 1 and Prong 2.

**Discussion of Improvement Activities Completed:**

Improvement Activities 1, 2, 3, 3A, 4, 5, 5A, 5B, 8, 8A, 8B, 10, 11 & 12 have been reported on earlier APR's as completed. Improvement Activities 13 & 15 are being reported as completed. Improvement Activities 6, 7, 9A, 14 & 16 will be discussed in the revisions to improvement activities section.

Activity	Timeline	Resources	Comments
13. Evaluate internal monitoring review schedule for purposes of verification.	Completed	Part C Coordinator	
15. Provide training to DD Program Management and Infant Development staff on the monitoring and documentation of service delivery using the new data system.	Completed	Part C Coordinator	

### Discussion of Noncompliance from FFY '08, '09, '10

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **nine** programs. As of January, 2013:

- **Eight** programs corrected their noncompliance within six months of the time the finding was issued. Verification of the noncompliance for the **eight** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in FFY 2011. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

### Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

**Revision to Improvement Activities:**

Activity	Timeline	Resources	Comments
6. Complete study of location of service providers and discipline specific availability and the impact on children and family services.	6-30-13	Part C Coordinator, NDICC, Local Program Coordinators, DD Program Administrators, and NDICC EI Services Subcommittee	
7. Study adequacy of 1:45 Service Coordinators ratio.	6.30.13	Part C Coordinator and DD Program Administrators	Look into proper ratio, given the amount of work that goes into EI services
9A. Local EI Programs and DD Program Managers will understand the competency system and fully implement it within their local programs. (Revision FFY '10)	6-30-13	Part C Coordinator, Family Liaison Project, NDICC EI Services Subcommittee, Regional Experienced Parents, Local EI Program Coordinators, and DD Program Administrators	
14. Provide training to DD Program Management on assisting families to learn about the parameters of service delivery, including expectations, roles, responsibilities, and rights.	12-31-12  Revise to: 12.31.13	Part C Coordinator, State Family Liaison, and State TA	
16. Develop materials for parents who have hospitalized infants to assist with access to SSI and ND Medicaid. Provide training to DD Program Managers on above referenced materials and how to discuss with families.	7-1-13	Part C Coordinator, State Family Liaison	

## Part C State Annual Performance Report (APR) for FFY 2011

## Overview of the Annual Performance Report Development:

Refer to pages 1-3 of this document

<b>Monitoring Priority: Early Intervention in Natural Environments</b>
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**Indicator 2:** Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.

(20 U.S.C. 1416(a)(3)(A) and 1442)

<b>Measurement:</b> Percent = [(# of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings) divided by the (total # of infants and toddlers with IFSPs)] times 100.
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FFY	Measurable and Rigorous Target
2011	97.2% of infants and toddlers with IFSP's will primarily receive early intervention services in their home or programs for typically developing children.

**Actual Target Data for FFY '11:**

**There were 922 children in FFY 2011 child count. Eight hundred ninety nine (899) children primarily received services in home + 14 children primarily received services in community = 913 children**

**99.02% = (913/922) X 100 Target met for FFY '11**

Table 2 of 618 indicated, **899** children primarily received early intervention services in their home and **14** children primarily received early intervention services in community based settings for typically developing peers. **Nine (9)** children primarily received early intervention services in "other" settings that are not designed for typically developing peers. There were a total of **922** children reported on the 618 table on 12/01/2011.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY '11:**

Improvement Activities 2, 3, 4, 4A, 5, 5A, 6, & 9 have been reported as completed on previous APRs. Improvement Activity 1 is being reported as completed. Improvement Activity 10 was discontinued in a previous APR. Improvement Activities 7, 8, & 11 are discussed in the revisions to improvement activities section below.

Activity	Timelines	Resources	Comments
1. Continue technical assistance and training for	Completed	Part C Coordinator, Technical	



Infant Development staff and Service Coordinators regarding implementation of routines based intervention and transdisciplinary coaching model.		Assistance and Training Project	
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***Explanation of Progress or Slippage***

The FFY '11 performance for this indicator is **99.02%**. This represents slight slippage from 99.25% in FFY'10 to 99.02%. North Dakota did exceed its target. This slippage is not statistically significant.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:*****Revisions to Improvement Activities:***

Activity	Timelines	Resources	Comments
7. Promote support for infants and toddlers with disabilities and/or challenging behavior in child care settings by collaborating with the ND Early Childhood/Child Care coordinator and subsequent partners such as ND Child Care Resource and Referral to assess needs in child care settings in order to promote inclusion of children with disabilities. (Revision FFY '10)	Revise to: 6.30.13	Part C Coordinator, NDCPD, State TA, ND Head Start Association, ND Resource and Referral, ND Early Childhood Services Administrator	
8. Develop and deliver technical assistance for Infant Development staff regarding effective consultation techniques in childcare settings	6-30-13  Revise to: 12.31.13	Part C Coordinator, Technical Assistance and Training Project	
11. Develop a state brochure that defines North Dakota's philosophy and guidelines for delivering family-guided, routine-based instruction. Attempts will be made to have it converted to visual,	Revise to: 12-30-12	Part C Coordinator, State TA, State Family Liaison, NDICC, and ND EI Services Subcommittee	

audio, and video formats			
Revise to: Develop a state brochure, accessible for families in their native language/format, which defines North Dakota's philosophy and guidelines for delivering family-guided, routine-based services.	Revise to: 6.30.14		

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Refer to pages 1-3 of this document

**Monitoring Priority: Early Intervention in Natural Environments**

**Indicator 3:** Percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**
**Outcomes:**

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication); and
- C. Use of appropriate behaviors to meet their needs.

**Progress categories for A, B and C:**

- a) Percent of infants and toddlers who did not improve functioning =  $[(\# \text{ of infants and toddlers who did not improve functioning}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- b) Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- c) Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it =  $[(\# \text{ of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- d) Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- e) Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .

**Summary Statements for Each of the Three Outcomes:**

**Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

**Measurement for Summary Statement 1:**

Percent = # of infants and toddlers reported in progress category (c) plus # of infants and toddlers reported in category (d) divided by [# of infants and toddlers reported in progress category (a) plus # of infants and toddlers reported in progress category (b) plus # of infants and toddlers reported in progress category (c) plus # of infants and toddlers reported in progress category (d)] times 100.

**Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent = # of infants and toddlers reported in progress category (d) plus [# of infants and toddlers reported in progress category (e) divided by the total # of infants and toddlers reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

**Target Data and Actual Target Data for FFY '11:****Targets and Actual Data for Part C Children Exiting in FFY '11 (2011-12)**

Summary Statements		Actual FFY '10 (% and # children)	Actual FFY '11 (% and # children)	Target FFY '11 (% of children)
1.	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program. <b>Formula: c+d/ a+b+c+d</b>	31.2%	35.8%	34.6%
2.	The percent of children who were functioning within age expectations in Outcome A by the time they exited the program. <b>Formula: d+e/ a+b+c+d+e</b>	34.1%	39.7%	61.6%
1	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program. <b>Formula: c+d/ a+b+c+d</b>	41.6%	56.7%	48.6%
2.	The percent of children who were functioning within age expectations in Outcome B by the time they exited the	32.5%	37.0%	53.1%

program. <b>Formula: <math>d+e / a+b+c+d+e</math></b>			
1 Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program. <b>Formula: <math>c+d / a+b+c+d</math></b>	55.0%	58.8%	65.6%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program. <b>Formula: <math>d+e / a+b+c+d+e</math></b>	55.3%	61.1%	82.1%

**Progress Data for Part C Children FFY '11**

D. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	21	5.9%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	151	40.5%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	51	13.5%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	45	12.4%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	102	27.7%
Total	N= 370	100%
E. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	13	3.5%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	128	34.6%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	92	24.9%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	93	25.1%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	44	11.9%

Total	N=370	100%
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	14	3.8%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	102	27.8%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	28	7.9%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	138	37.3%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	88	23.2%
Total	N=370	100%

The tool utilized in North Dakota to measure this indicator was developed by the Oregon Department of Education and Portland State University through a grant from OSEP. Cut off points received from Portland State University are used to compare children at entry and exit with same age peers across 16 foundation areas. The foundations are then mapped to the three outcomes areas addressed in this indicator.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY '11:**

***Explanation of Progress:***

North Dakota's percentages demonstrated progress for each outcome in both summary statements for FFY '11. North Dakota did meet targets in summary statement A1 and B2. North Dakota's performance was below our state targets in summary statement A2, B2, C1 and C2.

The number of children with both entrance and exit data has increased over time, especially since an edit was created in our statewide electronic data base that will not allow a case to be closed unless the exit assessment has been completed. This edit resulted in a considerably higher number of assessments being completed from the previous year. In FFY '11, **53.7%** of children who exited the program during that year had an exit PAR while only **23%** had an exit PAR the previous year. However, the percentage of completed outcome assessments is still below the national average.

North Dakota is in the process of replacing the current assessment tool that is being used due to number of inadequacies as noted below. As a result, it is difficult to fully analyze the performance results.

The current tool, which was originally developed out of the state of Oregon, has not sustained continued development and does not contain the necessary elements needed to adequately measure performance in this area. On December 8, 2011, North Dakota addressed the issue with the North Dakota Interagency Coordinator Council (NDICC)

and the members also endorsed the need to pursue new measurement tools. In October 2012, North Dakota's Part C coordinator met with Lynne Kahn of the ECO Center to discuss the state's transition to a new tool. The state reviewed possible assessment tools and is in the process of writing a Request for Proposal (RFP) for a new tool.

***Discussion of Improvement Activities Completed:***

Improvement Activities 2, 4, 7 & 8 were reported as completed in earlier APRs. Improvement Activity 5 is being reported as completed. Improvement Activity 3 is not due for completion in this reporting period. Improvement Activity 9 has been discontinued.

Activity	Timelines	Resources	Comments
5. Review exit data with each region, identify barriers, develop action plan, and monitor implementation	Completed	Part C Coordinator, State TA	

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

***Discussion of State Targets:***

These targets below do not represent a revision from what was reported in the FFY '09. While the stakeholders reviewed them again in January, 2012, no revisions were made.

Summary Statements	Social Emotional Skills		Acquiring and Using Knowledge and Skills		Taking Appropriate Action to Meet Needs	
	FFY 11	FFY 12	FFY 11	FFY 12	FFY 11	FFY 12
1. Of those children who entered the program below age expectations, the percent that substantially increased their rate of growth by the time they exited. (d+e/a+b+c+d) X 100 = %	34.6 %	34.7%	48.6%	48.7%	65.6%	65.7%
2. Percent of children who were functioning within age expectation by the time they exited. (d+e/a+b+c+d+e) X 100 = %	61.6%	61.7%	53.1%	53.2%	82.1%	82.2%

***Revision to Improvement Activities:***

Activity	Timelines	Resources	Comments
1. Identify, select, and implement use of new assessment tool to measure progress. (Revision FFY '10)	12-31-12  Revise to: 12.31.13	Part C Coordinator, State TA, NDICC EI Services Subcommittee, State Information Technology Department, National TA Centers	
3. Develop information regarding the purpose of Child Outcome data and design a distribution plan for sharing the information with families.	12-31-12  Revise to: 6.30.14	Part C Coordinator, Family Liaison Project	We feel that we will need extra time in this area due to the implementation of the new tool.
9. Implement recommendations from TA to assist in enhancing results for children	7.1.13  Revise to: Discontinue	Part C Coordinator, Decision Support Liaison, National TA Resources	



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**Monitoring Priority: Early Intervention in Natural Environments**

**Indicator 4:** Percent of families participating in Part C who report that early intervention services have helped the family:

- A. Know their rights;
- B. Effectively communicate their children's needs; and
- C. Help their children develop and learn.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

- A. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family know their rights) divided by the (# of respondent families participating in Part C)] times 100.
- B. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children's needs) divided by the (# of respondent families participating in Part C)] times 100.
- C. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn) divided by the (# of respondent families participating in Part C)] times 100.

**Target Data and Actual Target Data for FFY '11:**

Target Data and Actual Target Data	FFY '11 Target	FFY '11 Actual	
A. Know their rights	87.2%	173/197	88%
B. Effectively Communicate their children's needs	91.2%	185/197	94%
C. Help their children develop and learn	89.2%	177/197	90%

The ECO Family Outcomes Survey-Revised (FOS-R) was used for the first time in North Dakota. A rating of 3, 4, and 5 on the FOS-R survey indicates the family answering the survey felt that their early intervention services had provided good to excellent assistance in helping them.

- **173** families responded with values 3, 4, and 5 to: To what extent has early intervention helped your family know and understand your rights?
- **185** families responded with values 3, 4, and 5 to: To what extent has early intervention helped your family effectively communicate your child's needs?
- **177** families responded with values 3, 4, and 5 to: To what extent has early intervention helped your family be able to help your child develop and learn?

***Discussion of Survey Response Representativeness:***

**Parent Survey Return Data Percentages**

Race/ Ethnicity	7/1/2010-6/30/2011		7/1/2011-6/30/2012	
	% of total population	% of total population returned	% of total population	% of total population returned
Hispanic or Latino	19/813 = 2.3%	3/205 = 1.4%	16/738 = 2.2%	6/197 = 3.0%
American Indian	80/813 = 9.8 %	7/205 = 3.4%	92/738 =12.5%	13/197 = 6.6%
Asian	3/813 = .003%	1/205 =.005%	7/738 = 0.9%	3/197 = 1.5%
Pacific Islander	2/813 = .002%	0/205 = 0	4/738 = 0.5%	1/197 = .5%
Black	13/813 = 1.6%	2/205 = 1.0%	13/738 = 1.8%	2/197 = 1.0%
2 or more races	37/813 = 4.6%	0/205 = 0	16/738 = 2.2%	3/197 = 1.5%
White	659/813 =80.1%	192/205 =93.7%	590/738=79.9%	169/197=85.8%

The ECO Family Outcomes Survey-Revised (FOS-R) was made into a document that can be scanned for ease of analysis. The survey was mailed to all families/caregivers of children of all races and ethnicities who were eligible at least one day during FFY '11 (7/1/2011-6/30/2012). All surveys were mailed from and returned to the state office with a unique identification number. The identifying number was included in order to attribute the survey data to a particular program and continue more in depth analysis.

A total of **738** surveys with a cover letter and postage paid envelope were mailed. **One hundred ninety-seven (197)** completed surveys were returned for a return rate of **26.7%** in FFY '11, which increased from **25%** in FFY '10. In FFY '11, the response rate was representative of the population of North Dakota in the following categories: Hispanic/Latino, Asian, Pacific Islander, and White. In FFY '11, the response rate was underrepresented in the categories of American Indian, Black, and 2 or more races.

The under representativeness of the American Indian population has been an ongoing concern in the state, especially since this is the second largest race/ethnicity group of children receiving services in North Dakota. In FFY '11, the general population of children receiving services was comprised of **12.5%** American Indians. The survey rate

of return increased from **3.4%** in FFY '10 to **6.6%** in FFY '11, however, the population increased from **9.8%** to **12.5%**. North Dakota was able to improve the response rate for this population by working closely with the provider that primarily delivers services to the Native American population in the state to increase participation.

The Black population also continues to be underrepresented in the survey with a return rate of **1.0%** in FFY '11, as compared to the population rate of **1.8%**. The State continues to use the following activities to increase the survey return rate for all race/ethnicity populations:

- Allow providers to check the accuracy of mailing lists and addresses of primary caregivers before the survey is mailed
- Hand deliver and explain survey to populations with a typically lower return rate to ensure understanding of the survey purpose
- Analyze local feedback to determine the effectiveness and practicality of an electronic system for data collection
- Analyze the system's ability to manage collected data
- Distribute a second survey to those families who did not respond to the initial survey
- The State will continue to work in conjunction with the provider that works primarily with the Native American population to continue to identify and implement creative ways of increasing this population's survey response rate.
- Utilize Experienced Parent personnel to encourage survey participation
- Continue to use a revised cover letter with the survey document to attempt to increase the response rate and representativeness
- Explore using the Minnesota versions of the FOS-R available in different languages

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY '11:**

***Explanation of Progress or Slippage:***

Below is the trend data for North Dakota Part C, Indicator 4:

	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011	Target 2011	Percent increase/ decrease
A. Know and understand your rights?	85%	89%	88%	90%	90%	88%	88%	-2%
B. Effectively communicate your child's needs?	88%	92%	91%	90%	92%	94%	94%	2%
C. To be able	86%	90%	90%	92%	92%	89.2%	90%	-2%

to help your child develop and learn								
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Indicators C-4-A, C-4-B, and C-4-C all show performance above the set targets for FFY '10. Performance on Indicators C-4-A and C-4-C did demonstrate slippage in FFY '11. Indicator C-4-B showed slight improvement from FFY '10.

A number of activities occurred throughout FFY '11 to support improvement in performance on this indicator.

- North Dakota provided extensive technical assistance and support to service providers.
- The state provided close supervision to any new providers and enhanced support if needed.
- The parent survey letter was reviewed with the NDICC and revised to include committee recommendations. A revised cover letter was included with the survey document.
- Information regarding how the Developmental Disabilities Department utilizes information gleaned from the parent survey was explained to parents through a family newsletter which was included in the survey mailing.

### ***Discussion of Improvement Activities completed***

Improvement Activities 1, 2, 3, 4, & 8 have been reported as completed in previous APRs. Improvement Activities 2A, 5, & 7 are being reported as completed. Improvement Activity 6 will be discussed under the revisions to improvement activities section below.

Activity	Timeline	Resources	Comments
2A. Another survey will go out with Infant Development Program identifier, instead of individual identifier.	Completed	Part C Coordinator, State Family Liaison	
5. Identify with each region activities to increase response rates from the families they serve.	Completed	Decision Support Liaison, Part C Coordinator	
7. Develop materials (written and video) for families on understanding their participation in the IFSP process and any additional services that may be upcoming.	Completed	State Family Liaison, Experienced Parent Staff, and Part C Coordinator	

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:*****Revisions to Improvement Activities:***

Activity	Timeline	Resources	Comments
6. Implement an Experienced Parent Specialist in every region Revise: Develop written guidance on implementing the Experienced Parent program in each region	7-1-12  Revise to: 9.30.13	Part C Coordinator, State Family Liaison, Infant Development Providers	

## Part C State Annual Performance Report (APR) for FFY 2011

## Overview of the Annual Performance Report Development:

Refer to pages 1-3 of this document

## Monitoring Priority: Effective General Supervision Part C/Child Find

**Indicator 5:** Percent of infants and toddlers birth to 1 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of infants and toddler birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to national data.

FFY	Measurable and Rigorous Target
2011	1.93 percent of the total population of infants and toddlers birth to 1 residing in North Dakota will be identified and found eligible for early intervention services and have an IFSP

**Actual Target Data for 2011:** On December 1, 2011 there were **146** children birth to 12 months of age with IFSP's. The number served is from Table 1 (618 data). The total North Dakota population of children birth to 12 months of age is 8993 from US Census 2010 data as reflected in Table C1-9. This is posted on the DAC website at [https://www.ideadata.org/arc\\_toc13.asp#partcCC](https://www.ideadata.org/arc_toc13.asp#partcCC).

**1.62% = (146/8993 X 100) did not met State Target**

The national average for FFY '11 is 1.02%. Compared to other states, North Dakota ranks **11<sup>th</sup>** overall according to table C1-9. Compared to other states, in eligibility category C (ITCA, 2011) North Dakota ranks second. North Dakota exceeded the national average of 1.02%.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY '11:**

***Explanation of Progress or Slippage***

North Dakota's birth to one performance for FFY '11 is **1.62%**. This demonstrates slippage from **2.14%** in FFY '10. The state did not reach the target for FFY '11 of **1.93%**.

North Dakota is engaged in data analysis activities on this indicator to determine why the slippage occurred and what strategies will assist in improving performance in this indicator.

	FFY '08	FFY '09	FFY '10	FFY '11	FFY '11 Target
<b>Served</b>	179	179	191	146	
<b>Population</b>	8998	9132	8931	8993	
<b>%</b>	1.99%	1.95%	2.14%	1.62%	1.90%

***Discussion of Improvement Activities completed:***

Improvement Activities 2, 3, 4, 5, & 9 were reported as completed in earlier APRs. Improvement Activities 1 & 10 were discontinued in earlier APRs. Improvement Activity 6 was discontinued and combined with Improvement Activity 7, in the FFY 2010 APR. Improvement Activity 8 is being discontinued. Improvement Activities 7 & 11 are discussed below in the revision of improvement activities section.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:*****Revision of Improvement Activities:***

Activity	Timelines	Resources	Comments
7. Contract for development of statewide child find marketing material and distribution plan targeting families of young children, medical community and clergy, Public Health, Health Tracks and WIC	7-1-13  Revise to: 12.31.14	Part C Coordinator	
8. Develop flyer regarding early intervention services to be included in Social Security Disability Determination Services' mailings to families of infants or toddlers applying for benefits.	7.1.12  Revise to: Discontinue	Part C Coordinator, Director of Social Security Disability Determination Services	
11. Explore the options of an online referral system to expedite EI referrals from the community	6-30-13  Revise to: 12.31.14	Part C Coordinator, ND DHS IT Department	Will explore options that other DHS departments use as well as other state models

## Part C State Annual Performance Report (APR) for FFY 2011

## Overview of the Annual Performance Report Development:

Refer to pages 1-3 of this document

## Monitoring Priority: Effective General Supervision Part C/Child Find

**Indicator 6:** Percent of infants and toddlers birth to 3 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of infants and toddler birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to national data.

FFY	Measurable and Rigorous Target
2011	3.3% percent of the total population of infants and toddlers birth to 3 residing in North Dakota will be identified and found eligible for early intervention services and have an IFSP

**Actual Target Data for 2011:** On December 1, 2011 there were **922** children birth to 3 years of age with IFSP's. The number served is from Table 1 (618 data). The total North Dakota population of children birth to 3 years of age is 27,076 from US Census 2010 data as reflected in Table C1-9. This is posted on the DAC website at [https://www.ideadata.org/arc\\_toc13.asp#partcCC](https://www.ideadata.org/arc_toc13.asp#partcCC).

**3.41% = (922/27,076 X 100) met State Target**

Compared to other states, North Dakota ranks **16<sup>th</sup>** overall according to table C1-9. Compared to other states, in eligibility category C (ITCA, 2011) North Dakota ranks second. North Dakota exceeded the national average of 2.79%.

This demonstrates slight slippage from the FFY'10 performance of **3.44%**. However, this is still above the target. **Six** of the **eight** regions were above the target. North Dakota will continue to analyze the data from the regions whose performance was not at the state target to determine strategies for improvement.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY '11:**

***Explanation of Progress or Slippage***

The FFY '11 target of 3.2% appears to have been entered incorrectly on the FFY "11 APR. The ICC met on January 31, 2013 and discussed this. The council revisited



the FFY'11 target and acknowledged it should have been 3.3%. The SPP and APR have been corrected to reflect this target.

	FFY '08	FFY '09	FFY '10	FFY '11	FFY '11 Target
<b>Served</b>	935	909	928	922	
<b>Population</b>	26,117	26,830	26,985	27,076	
<b>%</b>	3.58%	3.39%	3.44%	3.41%	3.3%

***Discussion of Improvement Activities completed:***

Improvement Activities 2, 3, 4, 5, & 9 were reported as completed in earlier APRs. Improvement Activities 1 & 10 were discontinued in earlier APRs. Improvement Activity 6 was discontinued and combined with Improvement Activity 7, in the FFY 2010 APR. Improvement Activity 8 is being discontinued. Improvement Activities 7 & 11 are discussed below in the revision of improvement activities section.

**Revisions, with Justification, to Proposed / Improvement Activities / Timelines / Resources for FFY 2012:**

***Revision of Improvement Activities:***

Activity	Timelines	Resources	Comments
7. Contract for development of statewide child find marketing material and distribution plan targeting families of young children, medical community and clergy, Public Health, Health Tracks and WIC	7-1-13  Revise to: 12.31.14	Part C Coordinator	
8. Develop flyer regarding early intervention services to be included in Social Security Disability Determination Services' mailings to families of infants or toddlers applying for benefits.	7.1.12  Revise to: Discontinue	Part C Coordinator, Director of Social Security Disability Determination Services	
11. Explore the options of an online referral system to expedite EI referrals from the community	6-30-13  Revise to: 12.31.14	Part C Coordinator, ND DHS IT Department	Will explore options that other DHS departments use as well as other state models

## Part C State Annual Performance Report (APR) for FFY 2011

## Overview of the Annual Performance Report Development:

Refer to pages 1-3 of this document

## Monitoring Priority: Effective General Supervision Part C / Child Find

**Indicator 7:** Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline) divided by the (# of eligible infants and toddlers evaluated and assessed for whom an initial IFSP meeting was required to be conducted)] times 100.

Account for untimely evaluations, assessments, and initial IFSP meetings, including the reasons for delays.

FFY	Measurable and Rigorous Target
2011	<p>100 percent of eligible infants and toddlers will have initial evaluations, initial assessments and an initial IFSP meeting conducted within Part C's 45-day timeline.</p> <p>Accounting for exceptional family circumstances</p>

## Actual Target Data for FFY '11:

**95.1%** percent of eligible infants and toddlers had evaluations, assessments and an initial IFSP meeting conducted within 45 days of referral

Data for Indicator 7 is taken from North Dakota's state electronic record system. North Dakota was able to obtain a full year of data for reporting on Indicator 7, using Therap for FFY '11.

Data were queried from the statewide data system for all referrals from 7.1.11 through 6.30.12 that were found eligible for early intervention services. The fields containing the

referral date, eligibility status, and the IFSP meeting date were compared. At the time of data analysis and during FFY '11, North Dakota had **eleven** local programs operating across the state.

**Seven hundred and fourteen (714)** infants and toddlers were referred for early intervention services, found eligible, and should have had an initial IFSP meeting during FFY '11. **Five hundred and fifty-two (552)** infants and toddlers had an initial IFSP meeting held prior to 45 days from the date of referral. **One hundred sixty-two (162)** infants and toddlers had IFSP meetings after the 45 day timeline. Of the **162** meetings held after the 45 day timeline, **126** of the IFSP meetings that were held greater than 45 days were due to family reasons and **1** was due to extreme weather. The remaining **35** IFSP meetings held greater than 45 days were due to program reasons.

**Infants Evaluated and Assessed and provided an Initial IFSP meeting Within Part C's 45-day timeline:**

a. Number of infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline	<b>679</b>
b. Number of infants and toddlers with IFSPs evaluated and assessed for whom an initial IFSP meeting was required to be conducted	<b>714</b>
Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline (Percent = [(a) divided by (b)] times 100)	<b>95.1%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY '11:**

***Explanation of Progress or Slippage:***

North Dakota's performance on meeting the 45 day timeline has significantly improved from a performance in FFY '10 of **87.3%** to a performance in FFY '11 of **95.1%**. While the state did not meet the federal target of 100%, the state made extensive improvement in this indicator.

In reviewing the local program data, the majority (eight) of the programs had performance above 90%. We had **three** programs that had performance under 90% (81%, 76%, and 0%) and had 37% of the IFSP's over 45 days late due to program reason. Without these three programs included in the state calculation, North Dakota's performance would be at 96.7%.

Based on the FFY '11 data, **eleven** programs had noncompliance:

- **One** of these programs is no longer providing Early Intervention services in North Dakota so a finding will not be issued. Prong 1 has been verified for all the children for whom an IFSP meeting was held although late.

- **One** of these programs remains in noncompliance under the existing finding issued in the FFY 2011, so no new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.
- The other **nine** programs that had noncompliance will be issued letters of findings by April 1, 2013. Prong 1 has been met for all of the children. All of the children had IFSP meetings although late, except for a few where the child moved out of state, died, or where the parent withdrew prior to the IFSP meeting being held. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 2.

***Discussion of Improvement Activities Completed:***

Improvement Activities 1, 2, 4, 5, 6, 7, 8, 9A, 9B, 9C, 9D, 10, 12, 15 and 16 were reported on earlier APR's as completed. Improvement Activities 3 & 14 are being reported as completed. Improvement Activity 17 was discontinued and combined with Improvement Activity 14. Improvement Activity 13 will be discussed in the revisions section.

Activity	Timeline	Resources	Comments
3. Review data entry issues with Infant Development staff and Program Managers and implement streamlining and edit recommendations where possible. Reason for being late was added to PCSP checklist.	Completed	Part C Coordinator, Regional Infant Development and Service Coordinator Supervisors, ASSIST Coordinator, Department of Human Services Information Technology Division staff	
14. Design and deliver training based on new Part C Regulations which will be included in the ND Early Intervention Guidelines. The EI Guidelines will be revised, updated, and put out for public comment in preparation for the 2013 Part C Application in April, 2013. Training will follow in order to have staff trained by 7-1-13.	7-1-13  Revise to: Completed	Part C Coordinator, Technical Assistance Project	Plans will be made to address the policy changes that will occur with the filing of our 2012 application, primarily around the topic of transition.

**Discussion of Noncompliance from FFY '08, '09, and '10:**

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **ten** programs. As of January, 2013:

- **Nine** programs corrected their noncompliance within six months of the time the finding was issued. Verification of the noncompliance for the **nine** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in the FFY '11. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

The program had noncompliance for FFY '11 as well. No new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable):**

***Revision to Improvement Activities:***

It is the opinion of the State that our current Improvement Activities meet our needs at this time and only minimal revision is required. (See below)

Activity	Timeline	Resources	Comments
13. Design and implement Early Intervention Orientation based on competency requirements.	6-30-13  Revise to: 6.30.14	Part C Coordinator, Technical Assistance Project, NDICC Early Intervention Services Subcommittee	State TA has done extensive work on orientation modules and we will continue to work to align these with additional competency requirements.

## Part C State Annual Performance Report (APR) for FFY 2011

## Overview of the Annual Performance Report Development:

Refer to pages 1-3 of this document

## Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

**A. IFSPs with transition steps and services**

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of children exiting Part C who have an IFSP with transition steps and services) divided by the (# of children exiting Part C)] times 100.

FFY	Measurable and Rigorous Target
2011	100 percent of children exiting Part C will have an IFSP with transition steps and services.

## Actual Target Data for FFY '11:

**59.7%** of children exiting Part C received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including IFSPs with transition steps and services

The state used six months of Therap data (from January 1, 2012 to June 30, 2012) to identify children whose records were reviewed to monitor for this indicator. Child records, representative of all 11 programs, were pulled for review based on the size of the program. A state monitoring team reviewed the records using the state case review tool. A total of **129** records were reviewed.

Of the **129** records reviewed, **77** of the IFSPs reviewed did have steps and services in accordance with the rigorous standards set by the state. **Fifty-two (52)** did not have steps and services that met the monitoring criteria.

## Children Exiting Part C Who Received Timely Transition Planning:

c. Number of children exiting Part C who have an IFSP with transition steps and services	<b>77</b>
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d. Number of children exiting Part C	<b>129</b>
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Percent = [(a) divided by (b)] times 100)	<b>59.7%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred in FFY '11:**

***Explanation of Progress or Slippage:***

North Dakota did not meet the **100%** target and showed slippage for Indicator C8A. Compliance decreased from **89.2%** in FFY '10 to **59.7%** in FFY '11. North Dakota had two programs that had no charts (0%) in compliance. One of these programs is a new provider in the state and the other provider is no longer part of the North Dakota Early Intervention system as of 6.30.12. Of the 11 programs that were monitored, **two** programs were at 100%.

Slippage was due to using a rigorous monitoring standard for documentation of the presence of IFSP transition outcomes and/or activities relating to child, family and receiving agency. North Dakota remains concerned about performance in this indicator and continues to provide increased technical assistance and training. For example, in September and October of 2012, Part C and ND DPI Part B provided seven on-site regional trainings to their respective staffs regarding transition and the newly updated Transition Guideline. Participants at each location include Part C and Part B staff. The importance of documentation was emphasized throughout the training. In addition, on August 21, 2012, a webinar on transition was held, emphasizing outcomes and the importance of including activities relating to the child, family and receiving agency.

Based on the FFY '11 data, **two** programs were at 100% and will not receive findings. Of the **nine** programs that had noncompliance for FFY '11:

- **One** of these programs is no longer providing Early Intervention services in North Dakota so a finding will not be issued. Prong 1 has been met as the children, who have aged out of services, are no longer under the jurisdiction of the program.
- **One** of these programs remains in noncompliance under the existing finding issued in the FFY 2011, so no new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.
- The other **seven** programs that had noncompliance will be issued letters of findings by April 1, 2013. Prong 1 has been met as the children are no longer under the jurisdiction of the program as they have aged out of services. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 2.

**Discussion of Improvement Activities Completed:**

Improvement Activities 1, 2, 3, and 5 were reported as completed on earlier APR's. Improvement Activity 4 and 7 were discontinued in FFY '10. Improvement Activity 9 was combined with Improvement Activity 6 in FFY '10. Improvement Activities 6 & 8 are being reported as complete. Improvement Activities 10, 11, 12, 13 and 14 are added to this APR to address noncompliance concerns.

Activity	Timelines	Resources	Comments
6. Create Therap data fields to allow for documentation of Transition Meeting, LEA Notification, and creation of an edit to prompt user to record outcome category.	Completed	Part C Coordinator, DHS Information Technology Division staff	
8. Review and update transition guidelines with DPI and provide subsequent training for both Part C and Section 619 Part B personnel.	Completed	Part C Coordinator Family Liaison Project	North Dakota in collaboration with DPI held fall trainings across the state on the new transition guidance. Follow-up training will be held in the spring of 2013. The state is finalizing the state transition guidance and the Memorandum of Agreement with DPI

**Discussion of Noncompliance from FFY '08, '09, '10**

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **five** programs. As of January, 2013:

- **Four** programs corrected timely within six months from the time that the finding was issued. Verification of the noncompliance for the **four** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in the FFY 2011. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were



no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

The program had noncompliance in FFY '11as well. No new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable):**

***Revision to Improvement Activities:***

Activity	Timelines	Resources	Comments
10. Provide training and follow-up activities (i.e. program-to-program mentoring) on creating IFSP steps and services that address the requirements in 303.344 (h) in partnership with all members of the IFSP team.	12.31.13	Part C Coordinator, State TA, State Family Liaison	
11. Conduct a collaborative case review on IFSP transition steps and services in all programs across the state.	12.31.13	Part C Coordinator, State TA	
12. Update Early Intervention orientation modules on new transition guidelines.	6.30.14	Part C Coordinator, State TA	
13. Implement an annual requirement for family training on transition in each region. Adapt or adjust EI orientation module for use during this training.	6.30.14	Part C Coordinator, State Family Liaison, State TA	
14. Develop a statewide standardized LEA notification to be generated from Therap.	12.31.13	Part C Coordinator, SEA Representative, NDICC	

## Part C State Annual Performance Report (APR) for FFY 2011

## Overview of the Annual Performance Report Development:

Refer to pages 1-3 of this document

## Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

**B. Notification to LEA, if child potentially eligible for Part B;**  
(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of children exiting Part C and potentially eligible for Part B where the notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.

FFY	Measurable and Rigorous Target
2011	The appropriate LEA will be notified for 100 percent of the children exiting Part C who are potentially eligible.

## Actual Target Data for FFY '11:

The LEA received notification of **64.3%** of the children exiting Part C who are potentially eligible

The state used six months of Therap data (from January 1, 2012 to June 30, 2012) to identify children whose records were reviewed to monitor for this indicator. Child records, representative of all 11 programs, were pulled for review based on the size of the program. A state monitoring team reviewed the records using the state case review tool. A total of **129** records were reviewed.

Of the **129** records reviewed, **83** of the records contained a LEA notification. **Forty-six** records did not contain a LEA notification.

## Children Exiting Part C who received Timely Transition Planning (Notification to LEA):

e. Number of children exiting Part C and potentially eligible for Part B where the notification to the LEA occurred	<b>83</b>
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f. Number of children exiting Part C who were potentially eligible for Part B	<b>129</b>
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Notification to LEA) (Percent = [(a) divided by (b)] times 100)	<b>64.3%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred in FFY '11:**

***Explanation of Progress or Slippage:***

North Dakota did not meet the **100%** target and showed slippage for Indicator C8B. Compliance decreased from **81%** in FFY '10 to **64.3%** in FFY '11. North Dakota had two programs that had less than 10% compliance (7.1%, 0%). One of these providers is no longer part of the North Dakota Early Intervention system as of 6-30-12.

Slippage was due to using a rigorous monitoring standard for documentation of the LEA notification. North Dakota remains concerned about performance in this indicator and continues to provide increased technical assistance and training. For example, in September and October of 2012, Part C and ND DPI Part B provided seven on-site regional trainings to their respective staffs regarding transition and the newly updated Transition Guideline. Participants at each location include Part C and Part B staff. The importance of documentation was emphasized throughout the training. In addition, on August 21, 2012, a webinar on transition was held, emphasizing the importance of documentation.

Based on the FFY '11 data, **eleven** programs had noncompliance for FFY '11:

- **One** of these programs is no longer providing Early Intervention services in North Dakota so a finding will not be issued. Prong 1 has been met as the children, who have aged out of services, are no longer under the jurisdiction of the program.
- **One** of these programs is noncompliant in FFY '11 and remains in noncompliance under the existing finding issued in the FFY 2011. No new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.
- The other **nine** programs that had noncompliance will be issued letters of findings by April 1, 2013. Prong 1 has been met as the children are no longer under the jurisdiction of the program as they have aged out of services. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 2.

***Discussion of Improvement Activities Completed:***

Improvement Activities 1, 2, 3, and 5 were reported as completed on earlier APR's. Improvement Activity 4 and 7 were discontinued in FFY '10. Improvement Activity 9 was combined with Improvement Activity 6 in FFY '10. Improvement Activities 6 & 8 are being reported as complete. Improvement Activities 10, 11, 12, 13 and 14 are added to this APR to address noncompliance concerns.

Activity	Timelines	Resources	Comments
6. Create Therap data fields to allow for documentation of Transition Meeting, LEA Notification, and creation of an edit to prompt user to record outcome category.	Completed	Part C Coordinator, DHS Information Technology Division staff	
8. Review and update transition guidelines with DPI and provide subsequent training for both Part C and Section 619 Part B personnel.	Completed	Part C Coordinator Family Liaison Project	North Dakota in collaboration with DPI held fall trainings across the state on the new transition guidance. Follow-up training will be held in the spring of 2013. The state is finalizing the state transition guidance and the Memorandum of Agreement with DPI

### Discussion of Noncompliance from FFY '08, '09, '10

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to ten programs. As of January, 2013:

- **Nine** programs corrected timely within six months from the time that the finding was issued. Verification of the noncompliance for the **nine** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in the FFY 2011. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were

no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

The program had noncompliance in FFY '11 as well. No new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable):**

***Revision to Improvement Activities:***

Activity	Timelines	Resources	Comments
10. Provide training and follow-up activities (i.e. program-to-program mentoring) on creating IFSP steps and services that address the requirements in 303.344 (h) in partnership with all members of the IFSP team.	12.31.13	Part C Coordinator, State TA, State Family Liaison	
11. Conduct a collaborative case review on IFSP transition steps and services in all programs across the state.	12.31.13	Part C Coordinator, State TA	
12. Update Early Intervention orientation modules on new transition guidelines.	6.30.14	Part C Coordinator, State TA	
13. Implement an annual requirement for family training on transition in each region. Adapt or adjust EI orientation module for use during this training.	6.30.14	Part C Coordinator, State Family Liaison, State TA	
14. Develop a statewide standardized LEA notification to be generated from Therap.	12.31.13	Part C Coordinator, SEA Representative, NDICC	

## Part C State Annual Performance Report (APR) for FFY 2011

## Overview of the Annual Performance Report Development:

Refer to pages 1-3 of this document

## Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday.

**C. Transition conference, if child potentially eligible for Part B.**

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of toddlers with disabilities exiting Part C where the transition conference occurred at least 90 days, and at the discretion of all parties, no more than nine months prior to the toddler's third birthday for toddlers potentially eligible for Part B) divided by the (# of toddlers with disabilities exiting Part C who were potentially eligible for Part B)] times 100.

Account for untimely transition conferences, including reasons for delays.

FFY	Measurable and Rigorous Target
2011	100 percent of children exiting Part C and potentially eligible for Part B will have a transition conference 90 days before their 3 <sup>rd</sup> birthday.

**Actual Target Data for FFY '11:**

**92.1%** percent of children exiting Part C and potentially eligible for Part B had a transition conference.

The state used six months of Therap data (from January 1, 2012 to June 30, 2012) to identify children whose records were reviewed to monitor for this indicator. Child records, representative of all 11 programs, were pulled for review based on the size of the program. A state monitoring team reviewed the records using the state case review tool. A total of **127** records were reviewed.

Of the **127** records reviewed, **116** of the records demonstrated completion of a transition conference prior to 90 days before the child's third birthday. Of the **eleven** meetings held late, **one** meeting was due to family reason. The remaining **ten** meetings that were late were due to program reasons.

**Children Exiting Part C who received Timely Transition Planning (Transition Conference):**

g. Number of children exiting Part C and potentially eligible for Part B where the transition conference occurred	<b>117</b>
h. Number of children exiting Part C who were potentially eligible for Part B	<b>127</b>
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Transition Conference) (Percent = [(a) divided by (b)] times 100)	<b>92.1%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred in FFY '11:*****Explanation of Progress or Slippage:***

North Dakota made significant improvement with performance at 92.1%. Compliance increased from **83%** in FFY '10 to **92.1%** in FFY '11. **Nine** of the **eleven** programs were at 100% compliance. North Dakota had two programs that did not meet 100% compliance (73.3%, 14.3%).

Based on the FFY '11 data, **two** programs had noncompliance for FFY '11:

- **One** of these programs remains in noncompliance under the existing finding issued in the FFY 2011, so no new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.
- The other programs that had noncompliance will be issued a letter of finding by April 1, 2013. Prong 1 has been met as the children are no longer under the jurisdiction of the program as they have aged out of services. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 2.

***Discussion of Improvement Activities Completed:***

Improvement Activities 1, 2, 3, and 5 were reported as completed on earlier APR's. Improvement Activity 4 and 7 were discontinued in FFY '10. Improvement Activity 9 was combined with Improvement Activity 6 in FFY '10. Improvement Activities 6 & 8 are being reported as complete. Improvement Activities 10, 11, 12, 13 and 14 are added to this APR to address noncompliance concerns.

Activity	Timelines	Resources	Comments
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6. Create Therap data fields to allow for documentation of Transition Meeting, LEA Notification, and creation of an edit to prompt user to record outcome category.	Completed	Part C Coordinator, DHS Information Technology Division staff	
8. Review and update transition guidelines with DPI and provide subsequent training for both Part C and Section 619 Part B personnel.	Completed	Part C Coordinator Family Liaison Project	North Dakota in collaboration with DPI held fall trainings across the state on the new transition guidance. Follow-up training will be held in the spring of 2013. The state is finalizing the state transition guidance and the Memorandum of Agreement with DPI

### Discussion of Noncompliance from FFY '08, '09, '10

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **three** programs. As of January, 2013:

- Verification of correction according to both prongs of correction occurred for **two** programs within six months from the day the finding was issued. Verification of the noncompliance for the **two** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in FFY '11, so no new finding will be issued. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent



data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012 (if applicable):**

***Revision to Improvement Activities:***

Activity	Timelines	Resources	Comments
10. Provide training and follow-up activities (i.e. program-to-program mentoring) on creating IFSP steps and services that address the requirements in 303.344 (h) in partnership with all members of the IFSP team.	12.31.13	Part C Coordinator, State TA, State Family Liaison	
11. Conduct a collaborative case review on IFSP transition steps and services in all programs across the state.	12.31.13	Part C Coordinator, State TA	
12. Update Early Intervention orientation modules on new transition guidelines.	6.30.14	Part C Coordinator, State TA	
13. Implement an annual requirement for family training on transition in each region. Adapt or adjust EI orientation module for use during this training.	6.30.14	Part C Coordinator, State Family Liaison, State TA	
14. Develop a statewide standardized LEA notification to be generated from Therap.	12.31.13	Part C Coordinator, SEA Representative, NDICC	

**Part C State Annual Performance Report (APR) for FFY '11****Overview of the Annual Performance Report Development:**

Refer to pages 1-3 of this document

**Monitoring Priority:** Effective General Supervision Part C / General Supervision

**Indicator 9:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

States are required to use the "Indicator 9 Worksheet" to report data for this indicator (see Attachment 1).

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
2011	100 percent of all findings of non-compliance will be corrected as soon as possible but in no case later than 1 year from identification.

North Dakota acknowledges that while the findings issues in January 2012 were to address noncompliance in FFY '08, FFY '09, and FFY '10, no findings were actually issued in FFY '10.

From FFY '10 performance and on, timely findings have been, and will continue to be, issued. The State has a system in place with written policies and procedures to ensure that when non-compliance is found, findings are issued and correction verified in a timely manner.

## Actual Target Data for FFY '11:

## INDICATOR C-9 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of EIS programs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
3. Percent of infants and toddlers with IFSPs who demonstrate improved outcomes	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of EIS programs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
4. Percent of families participating in Part C who report that early intervention services have helped the family	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of infants and toddlers birth to 1 with IFSPs 6. Percent of infants and toddlers birth to 3 with IFSPs	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of EIS programs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
8. Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
8. Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the lead agency has:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of EIS programs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the child resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and	Dispute Resolution: Complaints, Hearings	0	0	0
8. Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.	Dispute Resolution: Complaints, Hearings	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of EIS programs Issued Findings in FFY 2010 (7/1/10 to 6/30/11)	(a) # of Findings of noncompliance identified in FFY 2010 (7/1/10 to 6/30/11)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
OTHER AREAS OF NONCOMPLIANCE:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
OTHER AREAS OF NONCOMPLIANCE:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
OTHER AREAS OF NONCOMPLIANCE:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
<b>Sum the numbers down Column a and Column b</b>			0	0

Percent of noncompliance corrected within one year of identification = **0%**.  
(Column (b) sum divided by column (a) sum) times 100

### Discussion of Improvement Activities Completed:

Improvement Activities 1, 2, 3, 5, 6, 7, 8, 9, 10 & 12 were reported as completed on previous APRs. Improvement Activity 13 is being reported as completed. Improvement Activities 10A and 11 were discontinued in previous APRs. Improvement Activity 4 will be discussed in the revisions section.

Activity	Timelines	Resources	Comments
13. Examine how to track Prong 1 and Prong 2 verification through Therap/electronic data base so that local programs can access “real-time” information relating to noncompliance and correction/verification	Completed	Part C Coordinator, State TA, Local Program Coordinators, DD Program Administrators, State Family Liaison, Decision Support Staff, DHS ITD	

### Discussion of Noncompliance from FFY ‘08, ‘09, ‘10 Performance

In January, 2012 (FFY ‘11), **37** letters of findings were issued to address noncompliance in FFY ‘08, FFY ‘09, and FFY ‘10. These findings will be reported in C9 in the FFY 2012 APR, to be submitted in February 2014.

As of submission of this FFY 2011 APR, **32** of the **37** findings have been verified as corrected according to both Prongs of correction as required. Verification of noncompliance for all findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**). The **five** remaining findings are all within **one** program. Prong 1 has been verified as corrected, as the EIS program corrected each individual case of noncompliance, except for children who were no longer within their jurisdiction. However, Prong 2 has not been verified as corrected, as the EIS program has not shown that it’s correctly implementing the specific regulatory requirements (i.e. achieved 100% compliance) based on a review of updated data, via record review and State data system. Currently, the following actions are occurring to address the continuing noncompliance with this program through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.



Summary of findings and of verification of correction (both prongs), by indicator, as of February 15, 2013:

**Indicator 1**

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **nine** programs. As of January, 2013:

- **Eight** programs corrected their noncompliance within six months of the time the finding was issued. Verification of the noncompliance for the **eight** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in FFY 2011. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

**Indicator 7**

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **ten** programs. As of January, 2013:

- **Nine** programs corrected their noncompliance within six months of the time the finding was issued. Verification of the noncompliance for the **nine** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in the FFY '11. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS

program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

The program had noncompliance for FFY '11 as well. No new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

#### **Indicator 8a**

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **five** programs. As of January, 2013:

- **Four** programs corrected timely within six months from the time that the finding was issued. Verification of the noncompliance for the **four** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in the FFY 2011. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

The program had noncompliance in FFY '11as well. No new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

#### **Indicator 8b**

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **ten** programs. As of January, 2013:

- **Nine** programs corrected timely within six months from the time that the finding was issued. Verification of the noncompliance for the **nine** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory

requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

- **One** of these programs remains in noncompliance under the existing finding issued in the FFY 2011. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

The program had noncompliance in FFY '11 as well. No new finding will be issued. Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

#### **Indicator 8c**

The state issued findings for noncompliance found in FFY '08, FFY '09, and FFY '10 in January, 2012 to **three** programs. As of January, 2013:

- **Two** programs corrected timely within six months from the time that the finding was issued. Verification of the noncompliance for the **two** findings was made according to OSEP 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- **One** of these programs remains in noncompliance under the existing finding issued in FFY '11. Correction of Prong 1 has been verified, as each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**), received services, although late. However, the program continues to demonstrate noncompliance whenever subsequent data are reviewed. The finding will remain open until the EIS program demonstrates compliance with this requirement (i.e., achieves 100% compliance) based on a review of updated data via record review and the State data system (**Prong 2**).

Currently, the following actions are occurring to address the continuing noncompliance through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:*****Revision of Improvement Activities:***

Activity	Timelines	Resources	Comments
4. Review and update all Part C contracts to assure that Part C rules and state guidelines are integral to the contract.	12-30-12  Revise to: 6.30.13	Part C Coordinator	

**Part C State Annual Performance Report (APR) for FFY '11**

**Overview of the Annual Performance Report Development:**

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 10:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Effective with the FFY 2011 APR submission, this indicator is no longer required, because these data are submitted under 618, Table 4**

**Part C State Annual Performance Report (APR) for FFY '11**

**Overview of the Annual Performance Report Development:**

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 11:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Effective with the FFY 2011 APR submission, this indicator is no longer required, because these data are submitted under 618, Table 4**

**Part C State Annual Performance Report (APR) for FFY '11**

**Overview of the Annual Performance Report Development:**

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 12:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).

(20 U.S.C. 1416(a)(3)(B) and 1442)

**\*Not Applicable as Part B due process is not utilized**

**Part C State Annual Performance Report (APR) for FFY '11****Overview of the Annual Performance Report Development:**

Refer to pages 1-3 of this document

**Monitoring Priority:** Effective General Supervision Part C / General Supervision

**Indicator 13:** Percent of mediations held that resulted in mediation agreements.  
(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
2011	*Targets will be set after 10 Mediations are held

**Actual Target Data for FFY '11:**

No requests for mediations received during FFY '11

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY '11:*****Discussion of Improvement Activities Completed:***

Improvement Activities 1, 2, and 3 were reported previously completed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY '12*****Revisions to Improvement Activities:***

Activity	Timelines	Resources	Comments
4. Modify Improvement Activities after a medication is held	After mediation is held.	Part C Coordinator, NDICC	
5. Set Targets	After 10 mediation requests are held.	Part C Coordinator, NDICC	



**Part C State Annual Performance Report (APR) for FFY '11****Overview of the Annual Performance Report Development:**

Refer to pages 1-3 of this document

**Monitoring Priority:** Effective General Supervision Part C / General Supervision

**Indicator 14:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** State reported data, including 618 data, State performance plan, and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count and settings and November 1 for exiting and dispute resolution); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 14 Data Rubric" for reporting data for this indicator (see Attachment 2).

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
2011	100 percent of all required reports will be accurate and submitted on or before due dates.

**Actual Target Data for FFY '11:**

$$97.1\% = (68/70) \times 100$$

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY '11:**

North Dakota's performance for this indicator was **93%** for FFY 2011. This does represent slippage, as North Dakota's performance for this indicator was at 97% in FFY 2010. The reason for the decrease was due to a mathematical error in our original submission of Table 2 618 data in February of 2012. This was remedied during the appropriate correction time for Table 2.

***Discussion of Improvement Activities Completed:***

Improvement Activities 1, 2, 3, 5, 6, & 7 were previously reported completed. Improvement Activity 4 was discontinued in a previous APR. Improvement Activity 8 is being discontinued.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

Activity	Timelines	Resources	Comments
8. Improvement Activity implementation and effectiveness will be analysis and plan modified as needed	07-01-13  Revise to: Discontinue	Part C Coordinator	Between October 1, 2011 and February 1, 2012, the team has met in person or via conference call at least twice per month to review progress and make adjustments as needed to the General Supervision Plan.